

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

DANIEL K. LEGGETTE,

Movant,

v.

CIVIL ACTION NO. 3:16-5822  
(Criminal Case No. 3:09-00176)

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant in part and deny in part the United States' Motion to Withdraw Referral to Magistrate Judge and to Dismiss Case (ECF No. 132) by specifically granting the United States' Motion to Dismiss and denying as moot the United States' Motion to Withdraw Referral. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** the United States' Motion to Dismiss (ECF No. 132) and **DENIES** as moot the United States' Motion to Withdraw Referral (ECF No. 132), consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: March 2, 2017

  
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ROBERT C. CHAMBERS, CHIEF JUDGE